

January 20, 2004 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0186

Rountree Pontiac - GMC Truck, Inc.

Bermuda Magisterial District  
West line of Jefferson Davis Highway

REQUEST: Rezoning from Community Business (C-3) to General Business (C-5).

PROPOSED LAND USE:

Commercial uses, as restricted by the proffered conditions, are planned.

RECOMMENDATION

Recommend approval for the following reasons:

- A. With the uses limitations proposed in the proffered conditions, the proposed zoning and land uses would be no more intense than uses currently permitted and would conform to the Southern Jefferson Davis Corridor Plan, which suggests the property is appropriate for community commercial/mixed use corridor uses.
- B. The proposed zoning and land uses are representative of and compatible with existing and anticipated area development.

(NOTES: A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS.

- B. IT SHOULD BE NOTED THAT THE REVISED PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE PROFFER.)

PROFFERED CONDITIONS

1. Uses permitted shall be limited to the following:
  - a. Uses permitted by right or with restrictions in the Community Business (C-3) District
  - b. Mini-Storage/Self Storage Facilities (P)
2. Prior to any site plan approval, sixty (60) feet of right-of-way measured from the centerline of Route 1 immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct access to the property shall be limited to two (2) entrances/exits. The exact location of these entrances/exits shall be approved by the Transportation Department. (T)
4. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
  - a. Construction of an additional lane of pavement along Route 1 for the entire property frontage, if required by Transportation Department standards;
  - b. Construction of additional pavement along Route 1 to provide a separate right turn lane at the approved entrances/exits, if required by Transportation Department standards;
  - c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
5. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4, shall be submitted to and approved by the Transportation Department. (T)

## GENERAL INFORMATION

### Location:

West line of Jefferson Davis Highway, south of Woods Edge Road. Tax ID 799-633-4547 (Sheets 34 and 41).

### Existing Zoning:

C-3

### Size:

20.5 acres

### Existing Land Use:

Vacant

### Adjacent Zoning & Land Use:

North - R-7, R-9 and C-3; Single family residential and vacant

South - A and C-5; Commercial

East - C-5, I-1 and I-2; Commercial or vacant

West - R-9; Single family residential or vacant

## UTILITIES

### Public Water System:

There is an eight (8) inch water line extending along the west side of Jefferson Davis Highway, adjacent to this site. In addition, an eight (8) inch water line extends along Lucia Drive and terminates approximately 170 feet northwest of this site. Use of the public water system is required by County Code.

### Public Wastewater System:

There is a twenty-four (24) inch wastewater trunk line extending along Timsberry Creek adjacent to the northwest boundary of this site. Use of the public wastewater system is required by County Code.

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains directly into Timsberry Creek, which forms the northern and western property lines of the parcel. Timsberry Creek is a perennial stream subject to a 100 foot conservation area, which has very limited uses. The property is also subject to backwater from Route 1, which further limits the use of the property. There are no existing or anticipated on- or off-site drainage or erosion problems.

## PUBLIC FACILITIES

### Fire Service:

The Dutch Gap Fire Station, Company Number 14, and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service (EMS). When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process. This request will have only minimal impact on fire and EMS.

### Transportation:

The subject property consists of 20.5 acres zoned Community Business (C-3). The property is located on the west side of Jefferson Davis Highway (Route 1/301) between Happy Hill and Harrowgate Roads. The applicant is requesting rezoning from Community Business (C-3) to General Business (C-5). The applicant has proffered to limit uses on the property to those permitted in the C-3 District, office/warehouse and mini-storage facilities. (Proffered Condition 1)

This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate 4,750 average daily trips (ADT); however, the applicant intends to develop a mini-warehouse facility on the property. Based on mini-warehouse trip rates, development could generate approximately 180 ADTs. Traffic generated by this development will be distributed along Route 1/301, which had a 2003 traffic volume of 21,000 vehicles per day.

Route 1/301 is identified as a major arterial on the Thoroughfare Plan with a recommended right of way width of 120 to 200 feet. The applicant has proffered to dedicate sixty (60) feet of right of way, measured from the centerline of Route 1/301, in accordance with that Plan. (Proffered Condition 2)

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). The property has approximately 1,200 feet of road frontage along Route 1/301. The applicant has proffered to limit direct access from the property to Route 1/301 to no more than two (2) entrance/exits (Proffered

Condition 3). These accesses should be located approximately 500 feet apart. The exact location of these accesses will be approved at site plan review.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct an additional lane of pavement along Route 1/301 for the entire property frontage, based on Transportation Department standards and 2) construct a separate right turn lane along Route 1/301 at each approved access (Proffered Condition 4). If the entire property is developed for mini-warehouse use, these road improvements may not be warranted.

At time of site plan review, specific recommendations will be made regarding access and internal circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Southern Jefferson Davis Corridor Plan, which suggests the property is appropriate for community commercial/mixed use corridor uses.

### Area Development Trends:

The area is characterized by single family residences and vacant lots in Wendover Hills, Searcy and Amherst Subdivisions to the north, northwest and west, while property to the south and east is zoned and developed for commercial and industrial uses or is vacant.

### Development Standards:

The request property currently lies within the Jefferson Davis Highway Post Development Area. The purpose of Post Development Area requirements is to provide flexible design criteria in areas that have already experienced development. Development of the site must conform to the development standards of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

### Buffers & Screening:

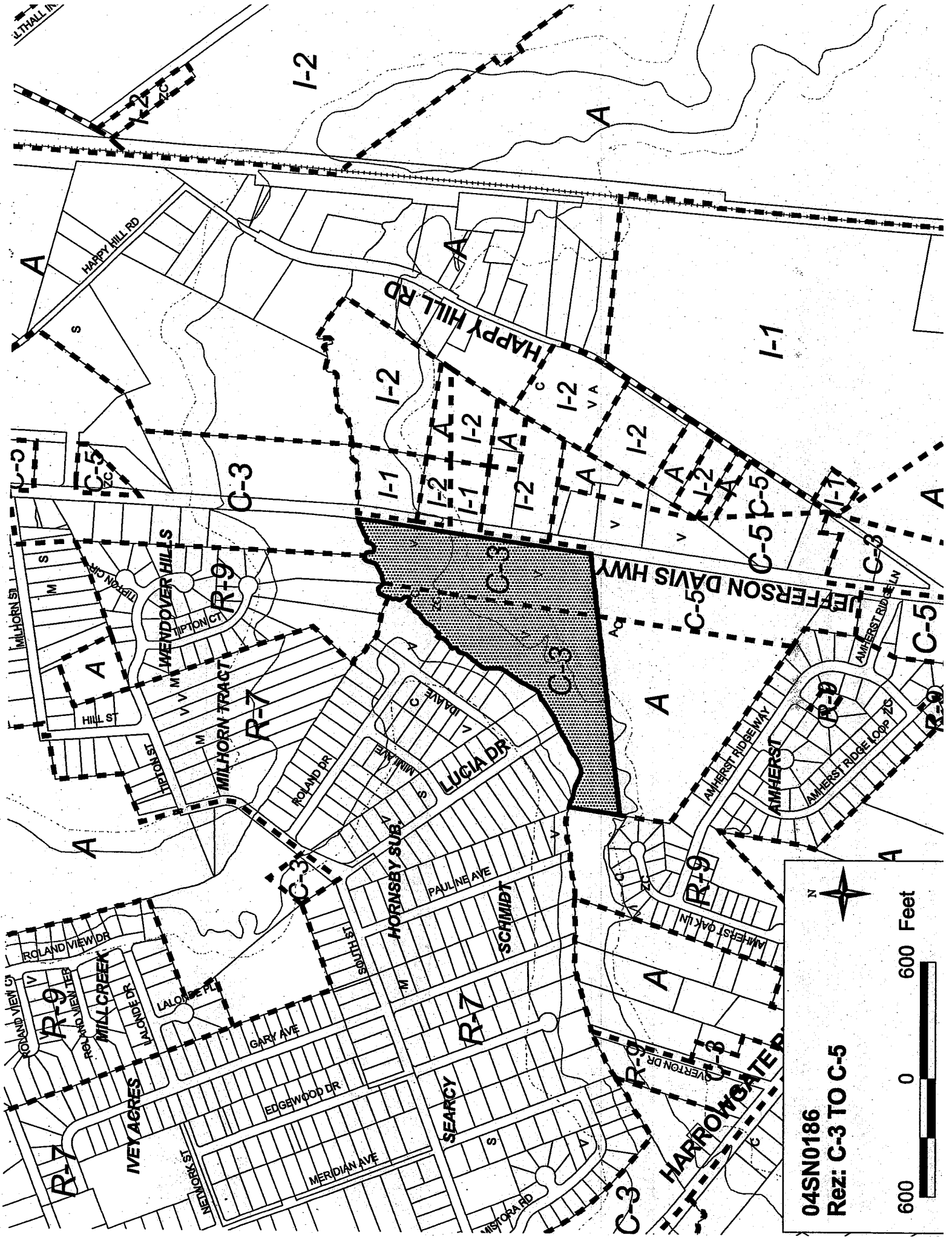
Currently, the Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to A or R Districts be screened from view of such districts by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves. Solid waste storage areas must be screened from view of public rights of way by a solid wall, fence, dense evergreen plantings or architectural feature. Such area within 1,000 feet of any A or R Districts should not be serviced between the hours of 9:00 p. m. and 6:00 a. m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

Portions of adjacent properties to the north and west are zoned Residential (R-7 and R-9) and are occupied by single family residences. The Zoning Ordinance requires a minimum 100 foot buffer along the northern and western property boundaries of the request site. It shall be noted that the required 100 foot buffer is exclusive of any utility easements to include the Virginia Power easement which forms the northern boundary of the site. Depending upon the exact location of the RPA, the required conservation area may be wider than the required buffer. At the time of site plan review, the Planning Commission may modify this buffer if adequate screening can be provided in a lesser width. In addition, at such time that adjacent residential property is zoned or utilized for a non-residential use the buffer can be further reduced or eliminated.

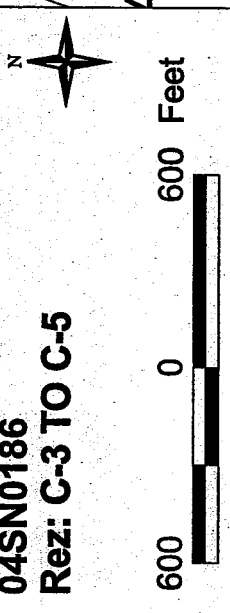
### CONCLUSIONS

With the use limitations proposed in the proffered conditions, the proposed zoning and land uses would be no more intense than uses currently permitted and would conform to the Southern Jefferson Davis Corridor Plan, which suggests the property is appropriate for community commercial/mixed use corridor uses. In addition, the proposed zoning and land uses are representative of, and compatible with, existing and anticipated area development.

Given these considerations, approval of this request is recommended.



04SN0186  
Rez: C-3 TO C-5





## Chesterfield County, Virginia

### Memorandum

**DATE:** JANUARY 8, 2004  
**TO:** THE CHESTERFIELD COUNTY PLANNING COMMISSION  
**FROM:** THOMAS E. JACOBSON, DIRECTOR OF PLANNING *TEJ*  
**SUBJECT:** ZONING ORDINANCE AMENDMENT RELATIVE TO MOTOR VEHICLE SALES

#### Amendment

The Board of Supervisors has directed staff to prepare a zoning ordinance amendment that would require a conditional use for motor vehicle sales in C-3 zoning districts.

#### Staff recommendation

Staff recommends that an additional amendment be developed and discussed with automobile dealers. Staff will attempt to address concerns from the Board of Supervisors and Chesterfield County dealers with the additional amendment. The results of these discussions will be reported to the Planning Commission prior to scheduling the public hearing on the ordinance amendment(s).

#### Background

The Board's request was based on concerns that some current C-3 sites may not be appropriate for motor vehicle sales and that nearby neighborhoods could be adversely impacted unless site-specific standards were developed during a conditional use process. No concerns were expressed about the operation of any existing dealership.

If the amendment noted above were adopted, several existing dealerships would become legally non-conforming. Those dealerships would need a conditional use to expand or to rebuild if the building was severely damaged.

Staff met with motor vehicle sales trade organizations and Chesterfield County dealers who have expressed concern with the Board's direction and the amendment.

The enclosed background report contains additional information about the project.



Staff believes it is possible to craft an alternative amendment that will provide greater protection to neighborhoods, prevent any existing dealership from becoming non-conforming and address many of the concerns from the trade groups and County dealers. This option would require additional time for staff to work with the two (2) trade organizations and County dealers.

The enclosed standards chart summarizes existing regulations pertaining to motor vehicle sales and lists some potential additional standards that could provide better protection for existing neighborhoods.

If you have any questions about this information, please feel free to contact Bill Poole at 748-1053 or me at 748-1040.

2 enclosures

## **BACKGROUND REPORT**

### **ZONING ORDINANCE AMENDMENT CONDITIONAL USE FOR MOTOR VEHICLES SALES WITH C-3 ZONING**

#### **Board of Supervisors (BOS) direction**

- Prepare a zoning ordinance amendment to require a conditional use (CU) for motor vehicle sales (MVS) in C-3 districts in all areas of the County.
- Board had reviewed zoning maps of their districts.
- No concern expressed about the operation of any existing dealership.
- Concern expressed about potential for MVS in locations near neighborhoods...current standards may not protect the neighborhood.

#### **Current requirements**

- MVS is permitted in C-3 zoning districts if the operation complies with various restrictions. If MVS cannot comply with the restrictions, a CU is required.
- MVS IN C-3 zoning districts require a CU if located in village districts (Chester, Bon Air, Ettrick, Matoaca and Midlothian).

#### **Results of amendment**

- All future MVS in C-3 districts would need CU with potential for location specific conditions to protect neighborhoods.
- 16 MV sites in C-3 districts would become legally non-conforming.
- Non-conforming MVS may continue, may be sold, and may change product lines.
- Non-conforming MVS would require a CU to expand.
- Non-conforming MVS would require a CU to rebuild if substantially damaged.
- 6 MVS sites in C-3 districts would not be impacted based on existing CU.

#### **Progress to date**

- Researched existing Chesterfield MVS.
- Met with Virginia Automobile Dealers Association (VADA).
- Met with Virginia Independent Automobile Dealers Association (VIADA).
- Met with Chesterfield dealers.

#### **Dealer/trade group comments**

- Affects property that would not have a negative impact on neighborhoods
- Singles out a specific type business
- Project should not proceed
- Could negatively affect property values and/or automobile sales
- Should notify owners of all C-3 property, not just dealerships
- More receptive to an alternative proposal

**Possible alternatives to original amendment**

- Expand restrictions for MVS in C-3 so only locations and/or uses most likely to impact neighborhoods would require CU.
- Craft amendment with a provision to “grandfather” any MVS that existed on the date of adoption. Those MVS would remain legal and could expand and/or rebuild without a CU. MVS on other parcels would need CU.
- In conjunction with the original amendment, grant CU to keep existing dealers from becoming non-conforming.

**Chesterfield dealerships**

- 112 dealers are located in Chesterfield County per DMV records.
- 22 dealers have C-3 zoning...none are in village districts.
- 6 of the 22 dealers have a CU specifically permitting MVS. The requested amendment would not impact these dealers nor would it impact the 90 dealers that do not have C-3 zoning.
- 16 of the 22 dealers have no CU and would become legally non-conforming unless the amendment provides otherwise. Non-conforming uses may continue to operate and are not affected by changes in ownership or product lines. Non-conforming uses cannot be restarted if they are discontinued for more than 2 years, cannot be enlarged and cannot be rebuilt if damaged to an extent greater than 50% of the assessed value.
- 112 dealers invited to a meeting to discuss the potential amendment
  - 16 advised that amendment could affect business
  - 96 advised that amendment would not affect business
- 9 dealers attended meeting with Planning Department

## STANDARDS CHART

COMPARISON OF AUTO SALES AND RELATED USES			
Use	C-3	C-4	C-5
Automobile/light vehicle sales	Restricted	Restricted	Permitted
Automobile service and repair	Restricted	Restricted	Permitted
Automobile consignment sales	Prohibited	Prohibited	Conditional Use
Body shop	Prohibited	Prohibited	Permitted
Heavy vehicle sales	Prohibited	Prohibited	Permitted
Notes: Restricted uses must comply with special restrictions enumerated in the ordinance. <b>If those restrictions cannot be met, a conditional use is required.</b>			

CURRENT RESTRICTIONS IN C-3 AND C-4	
Item	Standard
Automobile/light vehicle sales	Not located in village area
Automobile service and repair	Not located in Chester
Proximity to residential/office districts	100' setback
Storage of damaged vehicles	Screened from view
Garage doors	Screened from view
Elevated display stands	Not permitted
Repair work, storage of parts	Conducted indoors or screened from view

POTENTIAL ADDITIONAL RESTRICTIONS IN C-3 AND C-4	
Item	Potential Standard
Automobile sales within shopping centers	Prohibited
Dealership location based on type road	Frontage on major roads (Rts 1, 10, 60, 360)
Proximity to residential/office districts	Increase setback
New car sales w/used car sales accessory	C-3
Used cars only sales	C-5

OTHER STANDARDS AFFECTING AUTO SALES AND RELATED USES	
Use	Standard
Pennants, banners, streamers	Prohibited
Inflatable advertisements	Prohibited
Outside PA systems	Conditional Use
Outdoor lighting	Light levels limited, concealed light source required